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Q&S CONVEYANCING UPDATE

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MORE ENERGY EFFICIENCY DISCLOSURES— THIS TIME FOR COMMERCIAL OFFICE BUILDINGS

Commercial real estate agents in particular should be aware that the Building Energy Efficiency Disclosure Bill 2010 (“the Bill”) has been introduced to the Commonwealth Parliament.

The Bill is intended to promote the disclosure of information about the energy efficiency of buildings. It introduces a mandatory disclosure scheme for corporate owners and head tenants of certain commercial office buildings with a net lettable area of more than 2000 square metres.

The owner or tenant must register a Building Energy Efficiency Certificate (“BEEC”) before it offers to sell or lease the building. The Building Energy Efficiency Register will be established as a central registry to register and hold records of all BEECs.

Any advertisements for the sale or lease of a building must contain the energy efficiency rating for that building.

The BEEC must disclose the following:-

1. The energy efficiency rating;
2. An assessment of energy efficiency of any lighting;
3. Guidance as to how the energy efficiency of the building may be improved.

The owner or tenant of certain buildings may apply for an exemption. Exemptions may be available where the building is used for police/ security operations or the characteristics of the building prevent an appropriate assessment or if the building falls into a class to be prescribed by the regulations as being exempt (likely to include new buildings and buildings that have had recent major refurbishments).

Penalties for non-compliance may be up to \$110,000 for each breach.

It is likely that the legislation will commence on 1 July 2010 however the obligations imposed by the legislation will only commence on the implementation day (within 6 months of commencement).

There is also to be a transition period of 12 months from the implementation day which means that an owner or tenant can use an existing energy efficiency rating issued by a recognized issuing authority (such as NABERS) during this time in place of a BEEC.

Richie Muir, Solicitor, Quinn & Scattini Lawyers

If you would like to ask any question about this or any other similar issue Richie may be contacted on 3821 2766 between 8.00am to 5.00pm Monday to Friday or email rmuir@quinnscattini.com.au

This update is for your information and interest only. It is not intended to be comprehensive, and it **does not constitute and must not be relied on as legal advice**. You must seek specific advice tailored to your circumstances.

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